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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,065	09/19/2000	Kamel Shaath	38898-172161	5244
26694	7590	10/07/2005		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998			EXAMINER GILLIGAN, CHRISTOPHER L	
			ART UNIT 3626	PAPER NUMBER
DATE MAILED: 10/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,065

Applicant(s)

SHAATH ET AL.

Examiner

Luke Gilligan

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 38-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/2/05, 8/19/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/18/05 has been entered.

Response to Amendment

2. In the amendment filed 5/4/05, the following has occurred: the specification has been amended to indicate that the Application is a continuation-in-part of Application No. 09/313,181, now U.S. Patent No. 6,438,642.

3. Claims 1-13 and 38-46 are now presented for examination.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-13 and 38-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Szalwinski et al., U.S. Patent No. 6,266,679.

6. As per claim 1, Szalwinski teaches a computer-implemented method of managing a file lifecycle comprising the steps of storing data on a storage medium comprising: storing said file

on said storage medium accessible by a computer said file having associated therewith a set of lifecycle policies relating to file storage locations within said storage medium (see column 4, lines 25-32); automatically determining from the associated lifecycle policies when said file is to be moved (see column 5, lines 38-41); and moving said file to another storage location within said storage medium or within a different storage medium when said file is to be moved (see column 5, line 65 – column 6, line 16).

7. As per claim 2, Szalwinski teaches the method of claim 1 as described above.

Szalwinski further teaches providing a plurality of storage media including the storage medium, each having associated therewith a set of policies, the policies such that when a condition is met the file is transferred from one storage medium to another in accordance with a lifecycle stage of the file (see column 5, lines 44-52).

8. As per claim 3, Szalwinski teaches the method of claim 2 as described above.

Szalwinski further teaches a first storage medium is associated with active files and a last storage medium is associated with archived files and wherein the file is transferred from the first storage medium to the last storage medium in successive stages (see column 5, line 65 – column 6, line 16, in the context of Szalwinski, the Examiner is interpreting the “backup storage medium” to be associated with archived files as claimed).

9. As per claim 4, Szalwinski teaches the method of claim 3 as described above.

Szalwinski further teaches a file is automatically transferred to a storage medium most appropriate for its stage of lifecycle determined in accordance with the policies (see column 5, lines 53-65).

10. As per claim 5, Szalwinski teaches the method of claim 3 as described above.

Szalwinski further teaches the policies relate to at least some of the associated storage

Art Unit: 3626

medium, the file name, the file extension, the file creation date, the file access date, the file last access date, the file creator, and the current file owner (see column 5, lines 53-65).

11. As per claim 6, Szalwinski teaches the method of claim 1 as described above.

Szalwinski further teaches the step of storing the file on a storage medium comprises the step of determining, in accordance with the policies, expiration data relating to when the file is to be moved (see column 5, lines 53-65).

12. As per claim 7, Szalwinski teaches the method of claim 6 as described above.

Szalwinski further teaches the step of automatically determining when the file is to be moved comprises the step of comparing the expiration data to present time data to determine if it is indicative of the file having expired its time on the storage medium or on the entire system (see column 5, lines 53-65).

13. As per claim 8, Szalwinski teaches a computer-implemented method of managing a file lifecycle comprising the steps of storing data on a storage medium comprising: providing a virtual storage medium having a plurality of storage media associated therewith, wherein said plurality of storage media are accessible by a computer, and having associated therewith a set of lifecycle policies relating to file storage locations within at least one of said plurality of storage media (see column 4, lines 25-32); storing said file on at least one of said plurality of storage media accessible by a computer within said virtual storage medium (see column 5, lines 38-41); at intervals, determining from the associated lifecycle policies actions dictated by said lifecycle policies for performance on said file, and performing said dictated actions on said file (see column 5, line 65 – column 6, line 16).

14. Claims 9-13 recite substantially similar additional limitations to those already addressed in claims 3-7 and, as such, are rejected for similar reasons as given above.

Art Unit: 3626

15. As per claim 38, Szalwinski teaches a computer-implemented method of managing a file lifecycle comprising the steps of storing data on a storage medium comprising: providing a virtual storage medium having a plurality of storage media associated therewith, wherein said plurality of storage media are accessible by a computer, and having associated therewith a set of lifecycle policies relating to file storage locations within at least one of said plurality of storage media (see column 4, lines 25-32); storing said file on at least one of said plurality of storage media within said virtual storage medium accessible by said computer (see column 5, lines 38-41); upon occurrence of a triggering event, determining from said associated lifecycle policies actions dictated by said lifecycle policies for performance on said file, and performing said dictated actions on said file (see column 5, line 65 – column 6, line 16).

16. Claims 39-43 recite substantially similar additional limitations to those already addressed in claims 3-7 and, as such, are rejected for similar reasons as given above.

17. As per claim 44, Szalwinski teaches the method of claim 38 as described above. Szalwinski further teaches the event relates to an amount of free space on the storage medium (see column 4, lines 40-45).

18. As per claim 45, Szalwinski teaches the method of claim 38 as described above. Szalwinski further teaches the event relates to an amount of space occupied by files of an individual compared to a quota of space allocated to that individual (see column 4, lines 40-45).

19. As per claim 46, Szalwinski teaches the method of claim 38 as described above. Szalwinski further teaches the event relates to at least one of initial storage of a file and modification of said file (see column 5, lines 47-52).

20. Claims 1-13 and 38-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaath et al., U.S. Patent No. 6,438,642.

Art Unit: 3626

21. Claims 1-13 and 38-46 are rejected in view of Shaath for the same reasons as given in the Final Rejected mailed 10/8/04. However, this rejection can be overcome by filing a supplemental Oath or Declaration indicating the continuing status that is reflected in the amendment to the specification. The supplemental Oath or Declaration, along with the current amendment to the specification, will be sufficient to overcome the Shaath reference.

Response to Arguments

22. In the remarks filed 5/4/05, Applicant argues in substance that, in view of the amendment to the specification, the rejections in view of Shaath should be withdrawn. In response to Applicant's argument, the Examiner respectfully submits that, as noted above, a supplemental Oath or Declaration needs to be filed in order to establish the current Application as a continuation-in-part of the '642 patent. Therefore, this argument is not found to be persuasive. In addition, the Examiner respectfully draws Applicant's attention to the new grounds of rejection in view of Szalwinski.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/2/05



C. Luke Gilligan
Patent Examiner
Art Unit 3626